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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,245	01/12/2001	Nicolas Brogne	Q62282	7851

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
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WASHINGTON, DC 20037-3213

EXAMINER

FOSTER, ROLAND G

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,245

Applicant(s)

BROGNE ET AL.

Examiner

Roland G. Foster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because the abstract is more than one paragraph. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain et al. (U.S. Patent No. 6,085,101) (hereinafter “Jain”).

With respect to claim 1, Jain discloses sending voice messages to telephone subscriber connected via plural telephone terminals to a telecommunications network (abstract, Fig. 3, and col. 8, lines 29-43). The telephone network is an intelligent network comprising advanced intelligent components such as a service switching point (“SSP”), service control point (“SCP”), and intelligent peripheral (“IP”) (Fig. 3). A caller, after being connected to an IP server (step 306), transmits a voice or text message(step 410) to the server (Fig. 4, col. 4, lines 1-35, and col. 8, lines 1-44). The caller additionally transmits one or more addresses to the server (col. 6, lines

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18-25), which subsequently initiates the transmission of the messages as voice message to the telephone terminals (col. 8, lines 28-44).

Claim 10 differs substantively from claim 1 in that claim 10 recites a system that performs functions equivalent to the method steps of claim 1. Therefore, see the claim 1 rejection for further details.

Claim 11 differs substantively from claim 10 in that claim 11 recites additional components of the server. The “information storage function” that stores “information from a caller comprising at least one message and addressees information” reads on the IP 306, which stores the messages and addressees information (col. 7, lines 31-44). Jain clearly discloses that the IP 306 has dialing functions to initiate connections to the addressees and a voice output function for generating a voice message.

With respect to claims 2, 3, and 14, see col. 7, lines 45-67, where the user specifies that “[s]ome calls may be made at one time and other calls may be made at others” thus resulting in a time window during which messages are delivered. See also col. 14, lines 37-67 regarding system integration with do not disturb systems, which limit delivery to certain time windows. Further regarding claim 14, see col. 14, lines 40-65.

With respect to claim 4, see col. 3, lines 60-65.

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With respect to claims 5, 6, and 15, see col. 7, lines 5-20.

With respect to claim 7, see col. 8, lines 20-25, where the address is typed out on a computer keyboard.

With respect to claim 8, see col. 8, lines 20-25.

With respect to claim 12, see the claims 1 and 8 rejection for further details.

With respect to claim 13, see the claims 1 and 2 rejections for further details.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain as applied to claims 1 and 11 above.

With respect to claims 9 and 16, Jain discloses voice recognition as discussed above but fails to disclose checking the transmitted information for plausibility and lack of ambiguity and requesting the caller to repeat information input if necessary.

However, "Official Notice" is taken that both the concept and advantages of a voice recognition system that prompts the user for repeat information if the initial voice recognition result seems implausible or ambiguous would have been well known and expected in the art.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add the prompt for repeat information if the initial voice recognition result seems implausible or ambiguous to the voice recognition system disclosed by Jain.

The suggestion/motivation for doing so would have been to increase the accuracy, efficiency, and user-friendliness of a speech recognition by prompting the user to clarify and correct suspect voice recognition results, as is notoriously well known in the art.

With respect to claim 17, Jain discloses that the user input terminal includes a computer with a modem (col. 6, lines 60-67 and col. 8, lines 20-25). However, Jain fails to specifically disclose that this computer connects via the Internet.

However, "Official Notice" is taken that both the concept and advantages of connecting a computer with modem to the Internet would have been well known and expected in the art.

Therefore, it would have been obvious to add an Internet connection to the computer with modem disclosed by Jain.

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The suggestion/motivation for doing so would have been to conform to industry standards, provide universal data network access, and reduce code because the Internet is a standard, readily available, and ubiquitous network to cheaply transmit data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9309.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.



Roland G. Foster
Primary Patent Examiner
November 12, 2004